

Implicit in any proposal to empower the postal officials to bar hate literature from the mails is a distrust in the capacity of the American people to distinguish between truth and falsity and to evaluate the true worth of such literature. The singular lack of success experienced by hate sheets in the United States is evidence, if any be needed, that this distrust in the good sense of the American people is unfounded.

3. Congressional Investigation

Another proposal is the launching of a Congressional investigation of hatemongering. The investigation would be conducted either by a special committee created for that purpose or by an existing committee, either the Senate Sub-Committee on Internal Security or the House Committee on Un-American Activities.

The grave procedural abuses committed by the last two named committees and by the Senate Committee on Government Operations under the chairmanship of Senator McCarthy should require us to consider carefully whether this happily concluded chapter in American history should be reopened. But even if the responsibility for conducting the investigation were to be assigned to a more responsible special or standing committee, there are serious objections to the proposal.

The purpose of the investigation, according to the proponents of the proposal, is twofold: to discredit hatemongering and to expose the financial backers of the hatemongers. We doubt that any useful purpose would be served by a Congressional denunciation of hate groups or hatemongering. The hatemongers have already been vigorously and

frequently denounced in every reputable segment of our society, and an additional denunciation by a Congressional committee or even by a resolution of either or both houses of Congress would have no substantial additional value. Indeed, it might well have the contrary effect of attaching to hate groups an importance which they do not possess and of attracting to them more of the mentally ill-adjusted persons who seem to be the best recruits for hatemongering. In addition, a denunciation of hate groups by Congress may lead many to believe that the underlying problem has been dealt with effectively, though here, too, effort would be expended in treating the symptom rather than the basic cause.

More important, a Congressional investigation of hate groups for the purpose of exposure would raise grave constitutional questions affecting civil liberties.

Only recently the Supreme Court has said in respect to the power of Congress to investigate:

But broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the function of Congress. . . . Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial departments of government. No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible.

The proposed Congressional investigation of hate groups would, we believe, fall within the compass of this restriction. It would be an investigation for the sole purpose of exposure.